

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HIGHWAY MATERIALS, INC.,

Plaintiff,

V.

WHITEMARSH TOWNSHIP, et al.,

Defendants.

CIVIL ACTION

NO. 02-3212

ORDER

AND NOW, this 1st day of March, 2004, upon consideration of

Plaintiff's Motion to Compel Deposition Witness Lawrence Grogan to Answer Questions (Doc. No. 51), Defendants' Motion for a Protective Order (Doc. No. 53), Defendants' Motion to Compel Production of Documents Identified in Woodrow & Associates' Privilege Log and Plaintiff's Privilege Log (Doc. No. 52), Defendants' Motion to Strike Plaintiff's Responses and Objections to Defendant's Request for Admissions/Compel Production of Documents (Doc. No. 58), and the Responses and Replies thereto, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Compel (Doc. No. 51) is **GRANTED**. Deposition witness Lawrence Gregan shall respond to questions relating to the August 7, 2001 Memorandum marked as Exhibit P-75 at his prior deposition on November 18, 2003. Further, Defendants' Motion for a Protective Order (Doc. No. 53) in regards to this August 7, 2001 Memorandum is **DENIED**.
2. Defendants' Motion to Compel Production of Documents (Doc. No. 52) is **DENIED** as to the documents remaining at issue.

3. Defendants' Motion to Strike Responses and Objections/Compel Production of Documents (Doc. No. 58) is **DENIED**.¹

BY THE COURT

Robert F. Kelly,

Sr. J.

¹ Defendants have informed this Court that Plaintiff's Second Amended Responses have rendered this Motion moot in regards to Plaintiff's Responses to Defendants' Requests for Admissions Nos. 2, 3, and 4. The Motion is denied in relation to the remaining Responses that are still at issue.